

NOV 03 2008

DARDI & ASSOCIATES, PLLC

ATTORNEYS AT LAW

Intellectual Property—patents,
trademarks & copyrights

Peter S. Dardi, Ph.D.
Curtis B. Herbert, Ph.D.
Elizabeth Quan Shipsides

Patent Agent
Mengmeng A. Fahrni, Ph.D.

[] Original documents to follow by mail [X] No originals will be sent

DATE: November 3, 2008

TO: Examiner Edward M. Johnson
Group Art Unit 1754

PHONE #: 571-272-1352
FAX #: 571-273-8300

U.S. Bank Plaza
Suite 2000
220 South Sixth Street
Minneapolis, MN 55402
612.746.3005 phone
612.746.3006 fax

One Security Centre
Suite 400
3490 Piedmont Road
Atlanta, GA 30305
404.949.5730 phone
612.746.3006 fax

Application No.: 09/757,519
Applicant: Horne et al.
Due Date: November 16, 2008

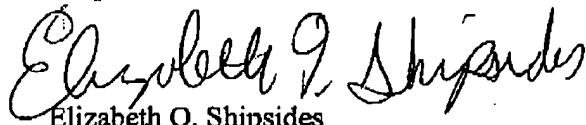
OUR REF.: 3132.07US02

FROM: Elizabeth Q. Shipsides
PHONE #: 612.605.1045

Attached is the following for filing in the above-identified application.

- (1) Appeal Brief Transmittal (1 page);
- (2) Appeal Brief (26 pages);
- (3) Claims Appendix (4 pages);
- (4) Evidence Appendix with Three Patents (24 pages); and
- (5) Related Proceedings Appendix with Decision (8 pages).

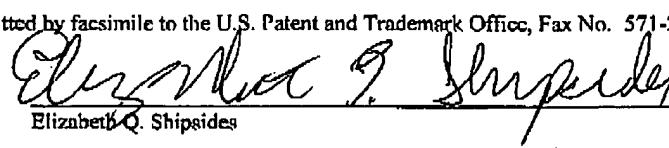
Respectfully submitted,


Elizabeth Q. Shipsides
Registration No. 57,529

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 571-273-8300 on the date shown below.

January 8, 2008
Date


Elizabeth Q. Shipsides

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL DARDI & ASSOCIATES, PLLC COLLECT AT (612) 746-3005. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

NOV 03 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3132.07US02

Horne et al.

Confirmation No.: 8679

Application No.: 09/757,519

Examiner: Edward M. Johnson

Filed: January 9, 2001

Group Art Unit: 1754

For: METAL VANADIUM OXIDE PARTICLES

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

BRIEF FOR APPELLANT